

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WHIDBEY ISLAND BANK, a banking
corporation,

Plaintiff,

v.

DUNES MOTEL, INC., a Washington
corporation,

Defendant.

CASE NO. C12-5747 BHS

ORDER REMANDING CASE

This matter comes before the Court on Defendants' notice of removal (Dkt. 1).

On August 2, 2012, Plaintiff filed a petition for appointment of custodial receiver in the Kitsap County Superior Court for the State of Washington. Dkt. 1–5. Plaintiff alleges that Defendant is in default of a Deed of Trust and requests that the state court appoint a receiver to take possession of Defendant pursuant to RCW 7.60.015. *Id.*

If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded. 28 U.S.C. § 1447(c).

1 The Court does not have jurisdiction over this receivership action. There is no
2 federal subject matter jurisdiction because the action is brought pursuant to a state statute.
3 There is no diversity jurisdiction because both parties are citizens of Washington.
4 Therefore, the Court **REMANDS** this action to state court.

5 **IT IS SO ORDERED.**

6 Dated this 24th day of August, 2012.

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9 BENJAMIN H. SETTLE
United States District Judge
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